ADMIRAL SCHLEY'S APPEAL.

ASKS THE PRESIDENT TO SAY WHO COMMANDED AT SANTIAGO.

Insists That That Question, the Most Important Before the Court of Inquiry, Was Entirely Ignored Except by Admiral Dewey-Declares That the "Matority of the Court" Rejected the Whole of the Testimony Given by the Applicant and His Witnesses, and by Declining to Pass Upon That Testimony Deprived Him of His Common and Constitutional Rights.

Washington, Jan. 29.—Rear Admiral Schley's appeal from the findings of the Schley Court of Inquiry was made public to-day. It consists of sixty-two printed pages and is divided into four parts, the first a general statement of the grounds for the appeal, and the others, which are entitled exhibits, devoted to argument in support of Admiral Schley's contention. Each part is addressed to President Roosevelt, and is signed by Admiral Schley, who styles himself "The Petitioner," and his counsel, Isidor Rayner, James Parker and M. A.

The appeal is different in character from the bill of exceptions submitted to the Secretary of the Navy before the findings and opinion of the court of inquiry were acted upon by him, in that it is devoted entirely to supporting the statements favorable to Admiral Schley made by Admiral Dewey in his separate report as a member of the court. None of the statements made by the court as a unit in conmnation of Admiral Schley's conduct in the Santiago compaign is questioned.

One of the reasons given by the petitioner for the necessity of deciding in his favor is that such a decision will close "a deplorable controversy" which now "divides the service into hostile factions and has prevented persons who participated in the Santiago victory from securing reward." In the petition proper Admiral Schley says that his application for relief is based on three grounds. The first of these is the contention that the Secretary of the Navy was not justified in holding and was not vested with authority and jurisdiction to hold that the court could not with propriety have passed upon the question of command in the engagement of July 3.
It is maintained also that Secretary Long was in error in stating that evidence concerning the question of command, upon which Admiral Dewey submitted an opinion, was excluded by the court during the

Admiral Schley maintains that Admirals Benham and Ramsay, whom he calls the majority members of the court, "failed in the discharge of the most important duty devolving upon them under the precept, in that they did not report their opinion upon the said question," and that it was incumbent upon them to determine this question for the reason that "only by so doing could they determine the propriety of the conduct of the said Schley in said battle." The President is asked to set aside and annul the statement of the Secretary of the Navy in his indorsement of the court's findings and opinion that it could not with propriety consider the question of command, and also specifically to approve

mand, and also specifically to approve Admiral Dewey's opinion that Schley was in absolute command and entitled to the credit for the victory.

The second ground for the appeal is that 'the concurring members' of the court 'have failed utterly and entirely to report their opinion upon the question of whether or not a close or adequate blockade of Santiago harbor was established and the propriety of Commodore Schley's conduct in the premises, as is by the eighth specification required. It is maintained that this eighth specification was considered during the inquiry "as one of the most important points therein involved." The President is asked to approve Admiral Dewey's opinion at "the blockade of Santiago was effective."

The third ground concerns the passage of the Flying Squadron from Key West to Cienfuegos, the blockade of Cienfuegos, the efforts of Schley to ascertain whether panish squadron was in that harbor and the passage of the Flying Squadron from Cienfuegos to the point where it stopped, about twenty-two miles south of Santago. After quoting Admiral Dewey's opinion that the passage from Key West to Cleafuegos was made with all possible destatch, that the blockade of Cleafuegos was effective, that in permitting the steam-ship Adula to enter Cleafuegos harbor Schley expected to obtain information ship Adula to enter Cienfuegos harbor Schley expected to obtain information concerning the Spanish squadron, and that passage from Cienfuegos was made with as much despatch as was possible in keep-ing the squadron a unit, the statement is made by Admiral Schley that this opinion inade by Amariance in certain particulars with the opinion reported by the majority of the court, and he maintains that Admiral Dewey's opinion is the only one justified by the evidence and facts. The President is asked to set aside the court's opinion on these points and the Secretary of the Navy's indorseof it and specifically to approve iral Dewey's opinion. the sixty-two printed pages of the

forty-five are embraced in testimony," but which is devoted entirely to supporting the conten-tion of Admiral Schley, based on the opinion of Admiral Dewey, that he was in absolute command in the engagement with Cervera's facet and is entitled to the credit for the teet and is entitled to the credit for the intory, in support of this contention birty pages of testimony and argument eard by the court are submitted.

The first point made in this contention that the court had the right and the athority to entertain and determine the merican force which destroyed the Spanister.

ish floor. The statement is made that the court did inquire into matters not specifically be doses in the process, the progress of the Floring B matters from flow West to then have being cited as an example, and Adment Schley they maintains that the transfer of the control of the state of the second section of the second section of the second section of the second section of the second second

e and beiney to exaction the general consistent the responsibilities and auto-nominated the facts as to the action generalized and these Lating all aboves.

report of the battle over which the caption was placed, "The Victory Was Schley's."
At the conclusion of his citations of testimony on this point Admiral Schley, in further support of his contention that testimony was admitted dealing with the question of who commanded the American fleet on July 3, says that the official reports of the battle of Santiago, made by commanders of vessels were admitted in evidence and that some of these were wholly silent as to the participancy in the battle of any officer senior to Schley; that logbooks were submitted showing that the New York on leaving for Siboney on the morning of the battle had sent up a signal "Disregard movements commander-in-chief," and other documentary evidence bearing on the question.

sent up a signal "Disregard movements commander-in-chief," and other documentary evidence bearing on the question.

"From all of which it will appear," says the petitioner, "that the statement made by the Honorable the Secretary of the Navy to the contrary notwithstanding, testimony was offered and accepted touching upon and proving each and every phase of this question, including the rights and duties of the said Schley to exercise the power and assume the responsibilities of such commandership and the facts as to his action in the premises, and, these being all shown, that an agreement was made in open court between counsel for the applicant and the Judge Advocate, whereby the said court was bound to consider the regulations for the government of the navy in such cases obtaining."

Admiral Schley appeals for a decision in his favor in order, he says, to close a deplorable controversy, and because "such a decision will perpetuate in history the true facts surrounding one of the greatest naval conflicts of modern times, and one of the greatest naval victories ever achieved by this country."

of the greatest naval victories ever achieved by this country."

Admiral Schley commends the opinion of Admiral Dewey that he (Schley) was in command on July 3, and in support of it submits a statement of what he asserts to have been facts fully and entirely established during the inquiry. Briefly given, this statement follows:

That on the morning of July 3, Sampson, in the New York, left the blockading line and sent up a signal "Disregard movements commander-in-chief;" that this signal was formal notice that Sampson was about to absent himself from his command, which made Schley the commanding officer present; absent himself from his command, which made Schley the commanding officer present; that Sampson was too far away to communicate with the other ships, except one; that the naval regulations provide that in the absence of an officer in command the next in rank assumes command; that Schley did actually assume command, as shown by signals cited in the appeal; that the battle was over before the New York appeared; and that the admission of testimony by the court in regard to the question of command did not make Sampson an interested party before the court or entitle him to a hearing.

of Admiral Sampson, the "In the case of Admiral Sampson, the presumption of command would date from the moment he returned to a position whence he could exercise his authority as the regular commander-in-chief."

It is further maintained that Schley was return in command for a number of

It is further maintained that Schley was actually in command for a number of reasons set forth, among them that Sampson, being under the orders of the Navy Department to go to Siboney, could not resume command of the fleet until after he had complied with those orders. Admiral Schley takes up Secretary Long's statement in his letter to the Senate Committee on Naval Affairs that the battle of Santiago was a Captains' battle, and holds that this statement is untenable for the reason that, as Admiral Schley, in his exercise of command on the Brookholds that this statement is untenable for the reason that, as Admiral Schley, in his exercise of command on the Brooklyn, was superior to Capt. Cook, then Cook could not be included as one of those who contributed toward making the engagement a Captains' battle, and, furthermore, that neither Cook nor Clark of the Oregon, who were present at the surrender of the Colon, presumed to act in his individual capacity, but each recognized the seniority of Schley. It is maintained also by Admiral Schley that if his status at the battle of Santiago is to be so construed, a precedent will be established under which the force and effect of the regulations governing the questions of seniority and precedence in the navy will be utterly destroyed, rendering it impossibe utterly destroyed, rendering it impossi-ble to determine responsibility on essential occasions "for the good of the service and

occasions "for the good of the service and the glory of our country."

It is held also that Secretary Long's claim that the battle was fought in accordance with Sampson's plan is equally untenable, as it conclusively appears from the evidence contained in Appendix A—"that the prearranged order of battle was 'a complete and total failure."

Exhibit B is an argument in support of the Presidence Carbon Sables's continue that the Carbon Sables's contin

Admiral Schley's petition that the President approve Admiral Dewey's separate statement concerning the progress of the Flying Squadron from Key West to Cienfuegos, the stay of that squadron at Cienfuegos and the movement of that squadron from tended that Admirals Benham and Ramsay erred in saying that Schley had been ordered to proceed with the utmost despatch from Key West to off Cienfuegos, as his orders Key West to off Cienfuegos, as his orders were silent in that particular. The con-tention is made that Schley had discretion to fix the speed under which he was to proceed to Cienfuegos, and that this passage was both expeditious and effective.

Admiral Schley maintains that failure to approve Admiral Dewey's opinion that the Flying Squadron did proceed to Clenfuegos with despatch will work an injury to the service in that it will deprive commanders of discretion and subject them to the peril of official condemnation for acts done when, in the exercise of their best judgment, they are laboring to promote the interests of their country.

their country.

The finding of the court that Schley did not blockade Cienfuegos as closely as possible is objected to on the ground that it does not harmonize with the testimony. it does not harmonize with the testimony adduced before the court, "all of which went to show that the blockade of Clentuegos was adequate to prevent the escape of the enemy's vessels therefrom had they been in the said port, that no vessel entered or departed from said port without the permission of the said Schley, and that all proper and customary precautions were taken in the premises." Concerning Schley's sending in the Adula to find out if the Spaniards were at Clentuegos, it is maintained that the court erred in for stating this fact, and the President is asked to adopt Admiral Decay's opinion that Schley. In permitting the Adula to that Schley, in permitting the Addia to enter, expected to obtain information from her concerning the Spanish aquadron when

Admiral fichley contends that as his squadrun was a unit, examplesed of vessels betero-geneous in their character, it was his duty geneous in their character, it was he shally to keep it as a unit until organi military necessity eliciated an opposite course, and he therefore excepts to the finding of the 'majority of the sourt' that he should have processed from the daughes to Seat-tings with all ricepatch. He electares that he could test have processed faster and maintained his equadron as a sun. The court's critician of the formation of his equadron is promeding to binatings.

NEW ASPHALT FRAUD CHARGES

TRUST RECEIVERSHIP ATTACKED BY A STOCKHOLDER.

Says Design Was to Butcher the American Company for the Benefit of the National Stockholders -- Mack and Widener Syndicates Gravely Accused.

TRENTON, N. J., Jan. 29.-Charges of fraud and conspiracy against the magnates of the asphalt trust are contained in a petition of intervention filed in the United States Circuit Court to-day by Harry Spinks of Newport, Ky., in the proceed-ings by which two confessed judgments for \$301,500 each were recently recorded against the Asphait Company of America and the National Asphalt Company in favor of the Land Title and Trust Company of Philadelphia. Spinks, who was a stockholder of the American Asphalt Company, seeks to be admitted as party defendant and asks to have the proceedings reopened in order that he may have the judgment against the American Company set aside as having been fraudulently obtained.

The bill of complaint gives a general history of the various transactions in which the asphalt companies were involved and which, according to Spinks, were designed to wreck the American Company for the benefit of the stockholders of the National Company. He admits the insolvency of the National Company, but declares that were it not for the collusion and fraud of the officials the American Company would be able to pay its just debts.

It is charged by Spinks that the application for a receiver for the asphalt companies resulted from an understanding between what he terms the Mack and Widener syndicates, and was the culmination of a series of fraudulent acts on the part of these syndicates and the various directors of the two companies, all of whom, he alleges, were either members of the syndicates or controlled by them.

The bill declares that from June, 1899. until October, 1900, the Widener syndicate owned the bulk of the capital stock of the American Asphalt Company. Chief among those in the syndicate, the bill says, were Peter A. B. Widener, George D. Widener, William L. Elkins, George W. Elkins, Sydney F. Tyler, Amzi L. Barber, Avery D. Andrews, Ellis A. Ballard, E. Burgess Warren, William J. Latta and William H. Crocker. The Mack syndicate, which Spinks says controlled the National Asphalt Company, included John M. Mack, Arthur W. Sewall, Amzi L. Barber, Joseph H. Mack and Robert H. Foederer. Spinks specifically charges: "The said fraudulent acts consisted in unlawfully depriving the American Company of its assets; imposing heavy fictitious and unauthorized obligations without consideration; in concealing its carnings, and finally fraudulently causing it to appear insolvent, with the design of inducing holders of the American Asphalt certificates to accept under contemplated plan of reorganization, a largely diminished amount of said certificates, and thereby give both present and prospective value to the large holdings of the several classes of securities of the National Asphalt Company now held by said syndicates, which securities would otherwise be and are substantially worthless." It is further charged by Spinks that "in pursuance of said conspiracy and fraud

agents, subordinates and servants and tools, corporate and individual, some of whom your petitioner believes to be innocent of the real purposes and intent of their acts." Spinks is the owner of \$128,000 of the American certificates and of 1,000 shares capital stock of the American Asphalt Company, for which he paid \$14 a share in the

open market in September, 1899. He says

only \$5 a share had been paid up on the stock and he has since paid an assessment

the said associates had employed various

stock and he has since parts of \$5 on each share.

Spinks specifically charges that application for a receiver was the result of an undestanding and collusion between the two syndicates. A circular of Sept 13, 1990, calling for the deposit of certificates two syndicates. A circular of Sept 13, 1900, calling for the deposit of certificates of the American Company with the Equitable Trust company of Philadelphia, in exchange for stock in the National Asphalt Company. Company, was, according to Spinks, ceived and founded in fraud. Spini serts that it was "a fraudulent and serts that it was "a fraudulent and collusive device to enable the stockholders of the American Asphalt Company, a very large portion of which consisted of the Widener syndicate, to escape their respective hability of the unpaid portion of its capital stock by transferring the same collusively to the National company, receiving in payment collateral trust certificates of the National company. National company well knowing that the National com-pany was totally unable to meet its enor-mous obligations including 124,000,000, im-posed upon it by the transfer of the Ameri-

of 531 989 shares of the capital stock of the American company to the National com-pany and 65.683 additional shares of the American company to the National company, Spinks says, was in fraud of the statutes of New Jersey and of his right as a share-botter as they illegally required the capital holder, as they illegally reduced the capital stock of the American company, while by the statutes the stockholders remain liable for existing debts to the amount of the impaid capital. The consummation of this The consummation of this sign, it is charged, destroyed a very large art of the assets of the American company not of the security of its certificates. Spinke says the application for an injunc-ion which was recently made in the Court of Chargery to prevent the consummation of this transaction was met by a declaraof this trainmettor. Was not be that from the syndicate and managers of the National company that the plan had already been consummated and that the rotiparty was thoroughly solvent and also meet its meet its obtigations. Visco-President in this point the positioner ways. The state of the point of the point the point point poi

The armonic constitutes with this assemble for the facts as to the actions the agreement made in open rough the action and the acquiring and the experiment and the applicant and the applicant and the acquiring and the constitution of the acquiring and the acquiring acquiring acquiring and the acquiring acqu

acted in concert with the companies, with a view of forcing the National company into insolvency. He says it was as a result of this that the receivers were ap-

THEM FOR THE PUBLIC ENEMY.

pointed.

He declares that the National company had no earnings and that the \$1,400,000 claimed as its earnings were really the earnings of the American company, and were in themselves almost sufficient to make all the payments pretended to be due of coordinate.

make all the payments pretended to be due or overdue.

Spinks denies that the company is insolvent and alleges that it has sufficient funds to met all of its obligations and responsibilities. He charges that the directors of the American Asphalt Company have mislead and deceived the court and have mismanaged and abandoned the property. He asks that the present receivers be set aside and new receivers, free from any affiliation or connection with any of the directors of the American Asphalt Company or either of the syndicates, be appointed.

GOV. WALLER AROUSED.

Denies That He Is "Sneaking" Measures Into Connecticut's New Constitution. New Haven, Conn., Jan. 29.—Former Governor Thomas H. Waller, delegate from New London to the Connecticut Constitutional Convention, did not like a remark made by former Congressman Sperry, a delegate from South Windsor, in the latter's speech yesterday and he said so this afternoon in the convention. Mr. Sperry hinted that there would be a time during the convention when measures that had been sneaked into the convention would become part of the organic law of Connecticut. It was understood that he had reference to some

understood that he had reference to some resolutions introduced by Waller. This is the way Gov. Waller replied:

"Mr. Sperry alluded to measures being sneaked into the convention and to this word I take exception. There has been too much talk already that I am in this convention in a pirate craft and with a pirate flag to do injury to the State. That must be stopped, for there is not a word of truth in it. My proposals regarding special legislation would affect no class of corporations except those that affect the public in their right to highways, and none of these measures is aimed against the manufacturing corporations.

"I say that these propositions are not of a revolutionary or experimental character, but are the same as those now in the organic law of twenty-seven States. Men do not sneak measures in the company of

do not sneak measures in the company of such an army. I make this statement so that it should not be recorded in history that measures were being sneaked into this convention."

WITNESS AGAINST DYING"CADET." Older Girl Detained to Support 15-Year-

Old's Tale of Her Ruin. Belia Masse, a Canadian, 22 years old, was held in the Yorkville police court yesterday as a witness in a charge of abduction against Sylvester Cameroni, a young Italian barber who is dying of consumption in Bellevue. He is accused of abducting Eva Richmond, 15 years old of 433 East Fifteenth street, who is also in Bellevue seriously ill.

The Richmond girl disappeared from her home on Oct. 7. Nothing was heard of her by her parents until she returned on Jan. 9 and begged to be taken in-so that she might die at home, she said. She was

she might die at home, she said. She was sent to a hospital.

The girl told her parents that Cameroni had taken her to a house in East Eleventh street, had assaulted her there and had detained her till he induced her to lead an immoral life, he receiving the proceeds. He met the Masse girl later and then he took the Richmond girl to a house in Patterson avenue, Jersey City, and left her there as an inmate. She became ill there, was put out of the house and then went home.

Agents Pisarra and Fogarty of the Children's society found Cameroni and the Masse girl living in West Sixty-fifth street on Tuesday night. The young man was in bed so weak that he could not be taken to the station house, so the agents had him sent to the prison ward in Bellevue.

"DE ATE" AT BOPP'S WEDDING. Big Turnout of Tammany Men to See Fusion Worker Married.

A large delegation of East Side politicians went over to Brooklyn last night to attend the wedding of Charles A. Bopp and Miss May Applebaum. Florrie Sullivan, the Tammany leader of "de Ate," headed a crowd of over 200. A brass band accompanied the crowd to the Grand street ferry. Bopp was for years the foreman ferry. Bopp was for years the foreman of the cigar manufactory of Mandel Broth-ers. at 15 Bowery. He was an active worker in the fusion ranks in the last cam-paign. On account of his popularity, however, politicians of every shade of opinion attended the wedding festivities and the presents filled an entire room. and the presents filled an entire room.

Among those who sent presents were the Hon. Phil Wissig, Quarantine Commissioner Charles H. Murray, Assemblyman Charles S. Adler, Congressman Goldfogle, Alderman Tim Sullivan, Senators Foley, Ahearn and Grady; President Jacob A. Cantor, Recorder Goff and Sheriff Guden of Brooklyn.

Mr. Keene Downtown Again.

James R. Keene, who has been confined to his apartments in the Waldorf-Astoria for twenty-five days with a severe case of bronchitis, was at his downtown office for a few minutes yesterday. He said last night that he had quite recovered. He did not care to speak definitely on the financial cituation, but he believed the clair of affairs to be good. He said he was a great believer in America and Amer-

Mentucky to Mave Republican Attorney-General.

FRANKFORY, Ky., Jan. 29 - The Court of Appeals this merning overruind the petition for a rehearing in the case of Clifton H. t vs. R. I. Brockenridge, javoiving office of Attorney-General of Kentucky

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PHANTOM BOSS CAN'T CAPTURE

Wait for the Primaries and See-Mean-time Leaders Say 7,000 Republicans Voted for Shepard and Republicans Are Getting Two-thirds of Patronage

The Advisory Committee of the Greater New York Democracy met yesterday in Chairman W. H. Russell's office in the Postal Telegraph Building for the first time since the beginning of the new year, and took steps to set at rest any idea Lewis Nixon might have had that he was going to be able to get this organization to cease its war on Tammany Hall and Richard Croker. The committee is composed of E. Ellery Anderson, William Hepburn Russell, Matthew P. Breen, Thomas C. Dunham, Rastus S. Kansom, Bryan L. Kennelly, Jacob A. Cantor, John C. Sheehan and Nicholas T. Brown. All except Mr. Cantor were present. As they were going into the meeting Mr. Ransom remarked:

"Lewis Nixon has a good reputation, but in the present post that he holds he is the figurehead. He may be an unconscious figurehead, but that is what he is."

With Andrew Freedman in the Finance Committee is there any doubt that Croker is kept informed of all the moves that are made by Nixon?" said John C. Sheehan. The committee considered for an hour the political situation, and at the end of its meeting it issued an address to the voters in which it said in part:

Having done its full share in rescuing this city from the control of the Democratic faction whose misdeeds have degraded the party it pretends to represent, the Greater New York Democracy now appeals to all independent and self-respecting Democrats

independent and self-respecting Democrats to cooperate with it in uphoiding the true standard of their party and establishing on a firm basis the one Democratic organization in this city that stands for honesty, economy and efficiency.

Whatever may be the protestations and pretences of Tammany Hall regarding the new titular leader so graciously vouch-safed to it by the fallen and discredited autocrat who has recently left these shores, a simple analysis of the audacious juggle by which he was created, must convince every intelligent person that the presto change was but the development of a mere phantom boss.

was but the development of a lace who boss.

While those who for four years were the official ministers of corruption and the licensed purveyors of vice, remain in contro of the essential forces within Tamman Hall, that organization must continue to bregarded and registed as a public enemwho, as it were, bivouac outside the gates waiting for an opportunity to renew their depredations.

Emboldened by the splendid loyalty distribution in december 1 Democrata at the

waiting for an opportunity to renew their depredations.

Emboldened by the splendid loyalty displayed by independent Democrats at the recent election and having full confidence in the integrity and efficiency of the public officers, for whom this organization deems itself responsible, we invite all Democrats who have the honor of their party at heart to unite with our forces for the maintenance of good government in this city.

When the last meeting of the Greater New York Democracy was held the leaders New York Democracy was held the leaders refused to enter into any controversy about the number of votes that were cast by its members for the Low administration. It was explained yesteday that they refrained from doing so on account of the fact that they thought that they might embarrass the Low administration. Yesterday they talked the matter over and made up their minds that they could make a statement on this subject at this time without harming Mayor Low and his friends and so they authorized a statement in without harming Mayor Low and his friends and so they authorized a statement in which they said that they had refrained from asking for any offices from Mayor Low. Of the number of votes that were cast for the fusion ticket by the members of the organization they say that a cursory examination of the returns shows that at least 50,000 Democrats in New York county voted for Low. Then they say that the Republicans did not vote as they should. Here is a part of the statement:

It is also apparent that at least 7,000 Republicans in this county, affected by various reasons, voted for Edward M. Shepard. The abnormal vote under the Republican emblem makes it evident that many thousands of Democrats voted in that column. Any other conclusion would be an admission that the county of New York, with its 80,000 Democratic majority, had become Republican over night.

Democratic majority, had become Republicanover night.

While non-partisanship in municipal government is now on trial, it is the duty of each of the elements which constituted the fusion forces to uphold and to aid the men who are chargeable with the conduct of the various departments and with the fulfilment of the public pledges and promises made during the recent campaign, yet we admonish that party to which has been accorded nearly two-thirds of the Mayor's appointments that upon it largely rests the grave renearly two-thirds of the Mayor's appointments that upon it largely rests the grave responsibility of the success or failure of the fusion novement and of non-partisan administration in this metropolis

Most of the district committees of the organization will meet to organize on Feb. 12, the last date allowed by the rules of the party for organization. Mr. Sheeban said party for organization. Mr. Sheenan said yesterday that there were good hot contests for the leadership in several of the districts, and that he regarded this as a healthy condition of affairs, as it showed that the members of the organization were "I have been astonished at the number

"I have been astonished at the number of recruits that we are gaining," said Mr. Sheehan. "We find that they are coming in at a great rate, and in some of the districts they are being enrolled a the rate of 100 a day. We are gaining in strength every day and will make the fight for decent Democracy at the primaries this fall."

President Morris of the Republican County Committee said last evening that he could not understand the charge made by the Greater New York Democracy to the effect that the Republicans to the number of 7,000 voted for Shepard. Mr. Morris has been iii. If he is able to get out he may have something to say about this today.

When the Greater New York Democratic statement was shown to Lewis Nixon the great Absalom catcher, yesterday

any comment from me 1 feel that the Tammany Heli organization, representing the whole Democratic party and the policy of the greatest number of benow at affair aled with it, is such as to make the existence of small independent factions impossible they cannot promise anything the right and for the best intercede of t city and its people that is not already MORE SOLIII AFRICAN GOLD. covered in the jestey of the Dedinication organization represented by Tammany Product Increasing Materials Despite the

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GLUCOSE COMBINE ON. N. Y. Glucose Co. Stays Out, but Propos to Be Harmonious.

For the first time vesterday it was officially admitted that negotiations have been going on for a general consolidation of the principal glucose and starch manufacturing companies in this country. A single document giving the details of the scheme was sent around secretly and the signatures were obtained of the holders of a majority of the stock of each company which it is proposed to take in.

The new company, it is proposed, shall issue \$50,000,000 common stock and \$30,-000,000 preferred, and shall be called the 000,000 preferred, and shall be called the Corn Products Company. The concerns it is proposed to include are the Glucose Sugar Refining Company, the Illinois Sugar Refining Company, the Charles Pope Glucose Manufacturing Company and the National Starch Company. It is asserted also that 49 per cent. of the stock of the New York Glucose Company, which is capitalized at \$4,000,000 and is controlled by Standard Oil interests, has been acby Standard Oil interests, has been acquired. It is reported that the common stock of the Glucose Sugar Refining Constock of the Glucose Sugar Refining Constock of the Glucose Sugar Refining Constock of 120 cm. stock of the Glucose Sugar Refining Com-pany will be exchanged on a basis of 120 or 125 for the common stock of the new company and that the preferred will be taken in on a basis of 125 for the preferred stock of the new company. C. H. Mat-thiessen of the Glucose Sugar Refining Company, it is said, will be the President of the new corporation. f the new corporation. President E. T. Bedford of the New York

Company made this statement yesterday:

The control of our company will not be sold to the new combination, but will remain where it is. We are not, however, opposed to a harmonious community of interest and it is likely that if the new company is formed we will enter into some harmonious trade relations with it.

COPPER HIGHER, STOCK LOWER. Amalgamated Has Got Plenty of the Metal

to Sell and "at the Market." The price of the metal copper went up little more yesterday, Lake selling at one time at 12, or % up; and the price of Amalgamated Copper stock went down a little, closing at 74% or 2% under Tuesday. Rumors of various sorts bearing upon the copper situation were circulated

Wall Street, some of them alleging that the Amalgamated company had lost control of the market and was now "over sold." This statement was made by an officer of the United Metals Selling Company the selling agent of the Amalgamated company.

company.

Copper is now selling at all sorts of prices, the quotations ranging from 11% to 12 cents a pound. We have lots of copper to sell and will have more of it. We have enough copper to supply the entire United States until July 1. We have been "holding the umbrells iong enough, and now propose to let the independents execute that trick awhile. Our prices will be gauged by those of the independents. If they decide to sell copper up to 15 cents, 16 cents or 30 cents or 40 cents we will follow.

Beginnershape of the Ameliana. Representatives of the Amalgamate

Representatives of the Amalgamated interests, said they knew nothing of the buying of Amalgamated stock by Rothschilds which was rumored. Another rumor that failed to gain credence alleged that friction over the management of the Amalgamated company's business existed between the Lewisohn and the Rogers interests in the Amalgamated board.

It was reported yesterday that the Atlantic Mining Company, one of John Stanton's companies, will pass its dividend of \$2 a share next month.

RATE CONCESSIONS MUST CEASE. No More Winter Apples and Silver Services

From Freight Agents for Shippers. Instructions from headquarters are reaching the Broadway agents of the Western and transcontinental railroads to allow no reductions or concessions of any kind to shippers of freight and each agent is required to make it clear to his customers that the Western roads intend to give the new rate agreement a thorough and fair trial.

According to President S. M. Felton of the Chicago and Alton, and Vice-President Paul Morton of the Atchison, the new agreement to maintain rates is to be main-tained rigidly, and any traffic manager or freight agent East or West caught cutting rates will be discharged. The order to make no concessions to shippers means that there must be no free transportation. pers. For the past two years complaints have been exchanged between some of the Western railroads that their respective Western railroads that their respective Broadway agents were making presents of considerable value to persons who could influence shiptonits. On one occasion influence shipments. On one occasion these "presents" took the form, it is al-loged, of a dozen barrels of apples, on another occusion, a silver dimer service.

The special committee appointed by the Western Presidents to see that the new agreement is enforced is preparing a circular which, it is said, will contain an imperative chance that the "present giving haint" on the part of railroad freight agents

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Important financial interests in this city have received information that the pro-

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RICE'S SIGNATURE IS LET IN.

COURT ADMITS IT AS TEST FOR THE ALLEGED FORGERIES.

Capt. Baker, Rice's Former Lawyer, Testifies That the Institution in Texas to Which the Dead Millionaire Gave His

The fact that the William M. Rice Institute of Houston, Tex., exists only on paper, was made clear yesterday by the cross examination of Capt. James A. Baker in the Patrick murder trial before Recorder Goff. This institute has been one of the principal and most familiar features of the case since Albert T. Patrick, the lawyer, was arrested sixteen months ago on the charge of murdering his client, William Marsh Rice, at the latter's house, 500 Madison avenue, on Sept. 23, 1900. The institute is the residuary legatee under the Rice will of 1898, and it is practically cut off without a cent by the alleged Rice will of 1900 which Patrick is accused of having forged.

The institute has been repeatedly referred to by those who are opposed to Patrick as an industrial and educational institution similar to the one in this city founded by Peter Cooper.

Many persons who have kept track of the case had dropped into the habit of thinking of the William M. Rice Institute as a thriving institution doing much to raise the average of intelligence in Texas and to drive illiteracy from Houston. But, although incorporated eleven years ago, it has only reached the stage of acquiring a site, according to Capt. Baker's admission on the witness stand vesterday.

Another feature of the trial yesterday was Assistant District Attorney Osborne's six unsuccessful attempts to have the will of 1896 introduced as evidence, in spite of Recorder Goff's ruling to the contrary on the day before.

Capt. Baker, who was Rice's lawyer in Texas for many years, resumed his direct testimony at the opening of court. He examined the signature "W. M. Rice," on the will of 1900 and on the checks and other documents which had figured in the case before and pronounced them all forgeries. Then the prosecuting attorney made his first effort of the day to get the will of 1896 before the jury. He was reprimanded by the Recorder, who later admitted the signature on the will so that the jurymen might compare it with the signature on the will of 1900. The body of the will of 1896 was covered with a sheet of paper and then the document was shown to the

Capt. Baker testified that he had demanded all of Rice's checks and private papers from Patrick and that Patrick surrendered them.
"As a matter of fact didn't Patrick give you "As a matter of fact didn't Patrick give you those papers and say that he was perfectly willing to do so?" the witness was asked yesterday. "Yes," replied Capt. Baker.

Q Then you got the papers because of his willingness and not as the result of your demande? A I don't remember. There was no disagreement about it.

Q Didn't you say that you would not declare under oath that the signatures were forgeries? A. I so said and I so say now.

Q Were not the signatures examined by the experts before you formed your opinion? A Before I expressed my opinion.

A Yes A Yes

It was at this stage that in answer to questions by Patrick's counsel Capt. Baker made the admissions already referred to concerning the present undeveloped state of the Rice Institute at Houston. Afterward in the prosecution of the reserved in the reserved in the prosecution of the prosecu ward in the redirect examination the prose-cution devoted itself to dispelling the impression given by this testimony that the institute was something of a myth. The winess enumerated the various gifts of real estate that had been given by Mr. Rice for the institute. Their aggregate Rice for the institute. Their aggregate value is about \$1,500,000, not counting the sum the institute would receive under the will of isse. The witness also named the Houston business men who are directors of the institute.

of the institute

The prosecuting attorney followed that
up by introducing the will of 1900 as evidence and reading it to the jury. There
was no objection. This is the will which the institute dence and reading it to the jury. There was no objection. This is the will which if it heid, would give to Patrick practically all of the Rice millions. It contains a bequest of \$250.000 for the Rice Institute with the strange provise that the bequest shall be v id if it is shown that Mr Rice had previously made provision for the institution.

M S Meidrum formerly of Texas and an associate of Capt Baker in the Rice case was the next witness. He began by declaring that the several alleged Rice signatures in evidence were forgeries. Then the Assistant District Attorney asked

Q When did you first see Mr Patrick? A I saw him at the Walder! Asteria by ap-pointment (we or three days after Mr Ricks) Court was then adjourned built as been early at the required of American). District this required of American) District Attender the required of American) District at engineering. The Recorder told him that he is regarded to be the engagement that he had no replicate with the engagements that would attend to be a before a the transfer of the transf

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